IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 23786 of 2007(F)

PETITIONER:

VICTOR CLEETUS, VIJO VILAS,
THEKKEMURI, KIZHAKKE KALLADA VILLAGE,
KOLLAM TALUK.

BY ADV. SRI.E.N.VISHNU NAMBOODIRI
SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, LOCAL ADMINISTRATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR,
KOLLAM.

3. SECRETARY,
PERAYAM GRAMA PANCHAYATH(SPECIAL GRADE),
PERAYAM, KUNDARA.

4. VILLAGE OFFICER,
MULAVANA.

5. SUB INSPECTOR OF POLICE,
KUNDARA.

6. JOY, S/O SOLEY,
VELIVILAVEETTIL, KUMBALAM,
PERAYAM PANCHAYATH,
KUNDARA, KOLLAM DISTRICT.

R1,R2, R4 & R5 BY GOVT. PLEADER MR.K.J.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 23786/07)

PETITIONER'S EXTS.:

EXT.P1: COPY OF THE SKETCH SHOW LIE AND NATURE OF THE PROPERTY.

EXT.P2: COPY OF THE COMPLAINT FILED BEFORE THE 3RD RESPONDENT BY THE PETITIONER DATED 29.5.2007.

EXT.P3: COPY OF THE COMPLAINT SUBMITTED BEFORE THE 4TH RESPONDENT DATED 30.5.2007 FROM THE PETITIONER.

EXT.P4: COPY OF THE COMPLAINT FILED BEFORE THE 5TH RESPONDENT, SUB INSPECTOR OF POLICE, KUNDARA POLICE STATION DATED 6.6.2007 FROM THE PETITIONER.

EXT.P5: COPY OF THE COMPLAINT BEFORE THE DISTRICT COLLECTOR, KOLLAM.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.23786 of 2007

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Dated: 23rd October, 2007

JUDGMENT

Even though none of the respondents have filed counter affidavits in spite of being served with notice, having considered the averments in the Writ Petition and having heard the submissions of the counsel for the petitioner, I am of the view that the only relief which can be legitimately aspired for by the petitioner at this stage is to direct the third respondent to take an early decision on Ext.P2 with the assistance of the 5th respondent. Accordingly, the Writ Petition will stand disposed of with the following directions:

The third respondent, the Secretary of the Panchayat will immediately take up Ext.P2, consider the same in the light of the various grounds raised by the petitioner and the various documents placed on record and take immediate action on Ext.P2. If it becomes necessary, the third respondent will seek the assistance of the 5th respondent. Needful will be done by the third respondent within one month of receiving copy of this judgment

srd **PIUS C.KURIAKOSE, JUDGE**